

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1114 be amended to read as follows:

1 Page 2, between lines 8 and 9, begin a new paragraph and insert:
2 "SECTION 3. IC 33-37-6-2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A payment made
4 under this chapter does not finally discharge the person's liability, and the
5 person has not paid the liability until the clerk receives payment or credit
6 from the institution responsible for making the payment or credit.
7 (b) The clerk may contract with a bank or credit card vendor for
8 acceptance of bank or credit cards. ~~However,~~ **Subject to subsection (d),**
9 if there is a vendor transaction charge or discount fee, whether billed to
10 the clerk or charged directly to the clerk's account, the clerk ~~shall collect~~
11 ~~a credit card service fee equal to the vendor transaction charge or discount~~
12 ~~fee from the person using the bank or credit card.~~ **shall collect a fee from**
13 **the person using the bank or credit card.** The fee collected under this
14 section is a permitted additional charge to the money the clerk is required
15 to collect under section 1(1) of this chapter.
16 (c) **Subject to subsection (d), the clerk may contract with a**
17 **payment processing company, which may collect a transaction fee**
18 **from the person using the bank or credit card. The fee collected**
19 **under this section is a permitted additional charge to the money the**
20 **clerk is required to collect under section 1(1) of this chapter. A**
21 **payment processing company that conducts a transaction under this**
22 **section is not acting in the capacity of a bail agent or recovery agent**
23 **licensed under IC 27-10-3.**
24 (d) **The clerk shall collect and deposit in the appropriate fund**
25 **an amount not less than the amount the clerk would collect and**
26 **deposit if the clerk received payment by a means other than a bank**
27 **or credit card."**
28 Page 10, line 18, delete "However," and insert "**A payment made**
29 **under this chapter does not finally discharge the person's liability,**
30 **and the person has not paid the liability until the county recorder**
31 **receives payment or credit from the institution responsible for**

1 **making the payment or credit. Subject to subsection (e),".**
2 Page 10, line 21, delete "from the person using the" and insert "**a fee**
3 **from the person using the bank or credit card."**
4 Page 10, delete lines 22 through 25.
5 Page 10, line 26, delete "a fee."
6 Page 10, between lines 26 and 27, begin a new paragraph and insert:
7 "**(d) Subject to subsection (e), the county recorder may contract**
8 **with a payment processing company, which may collect a transaction**
9 **fee from the person using the bank or credit card.**
10 **(e) The county recorder shall collect and deposit in the**
11 **appropriate fund an amount not less than the amount the county**
12 **recorder would collect and deposit if the county recorder received**
13 **payment by a means other than a bank or credit card."**
14 Page 10, line 27, delete "(d)" and insert "(f)".
15 Renumber all SECTIONS consecutively.
(Reference is to EHB 1114 as printed February 24, 2006.)

Senator STEELE